

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

HATTIE GILBERT,)	
)	CASE NO. 4:15CV01153
Petitioner,)	
)	
v.)	JUDGE BENITA Y. PEARSON
)	
RONETTE BURKES,)	
)	<u>MEMORANDUM OF OPINION AND</u>
Respondent.)	<u>ORDER</u>

Pro se Petitioner Hattie Gilbert filed a Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#), *see* ECF No. [1-2](#). Petitioner alleges eight grounds for relief, challenging the constitutional sufficiency of his conviction for: attempted murder, felonious assault, aggravated robbery, and kidnapping. All charges carried firearm specifications. A jury found Petitioner guilty on all counts. On September 23, 2008, the trial court sentenced Petitioner to an aggregate term of fifty years in prison.

On June 22, 2015, the case was referred to Magistrate Judge William H. Baughman, Jr. for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2\(b\)\(2\)](#). On October 7, 2015, Respondent filed a motion to dismiss, ECF No. [11](#). Petitioner did not respond. On April 21, 2016, the magistrate judge submitted a report (ECF No. [12](#)) recommending that the Court grant Respondent's motion to dismiss (ECF No. [11](#)) and dismiss the Petition with prejudice.

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[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within fourteen (14) days after service.¹ Petitioner filed a motion for extension of time until June 1, 2016 to file objections, ECF No. [13](#). The Court granted the motion. Petitioner has not filed any objections to the magistrate judge's report and recommendation. Any further review by the Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn](#), 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); [Howard v. Secretary of Health and Human Services](#), 932 F.2d 505 (6th Cir. 1991); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981). Accordingly, the Court adopts the magistrate judge's report and recommendation (ECF No. [12](#)). Respondent's motion to dismiss (ECF No. [11](#)) is granted. Petitioner Hattie Gilbert's Petition for a Writ of Habeas Corpus is dismissed with prejudice.

The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

June 30, 2016
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge

¹ Under [Fed. R. Civ. P. 6\(d\)](#), three days must be added to the fourteen-day time period because Petitioner was served the Magistrate Judge's Report by mail. *See Thompson v. Chandler*, 36 Fed. Appx. 783, 784 (6th Cir. 2002).